

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYAN D. NUNEZ-MURCIA
OLMAN RODAS-RAMOS and
PEDRO NAVARRETTE-HERNANDEZ,

Defendants.

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8:15CR195

ORDER

This matter is before the court on the motion to continue by defendant Olman Rodas-Ramos (Rodas-Ramos) (Filing No. 52). Rodas-Ramos seeks a continuance of the trial scheduled for September 28, 2015. Rodas-Ramos has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Rodas-Ramos consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 52-1). Rodas-Ramos' counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. Trial will be continued as to all defendants.

IT IS ORDERED:

1. Rodas-Ramos' motion to continue trial (Filing No. 52) is granted.
2. Trial of this matter **as to all defendants** is re-scheduled for **November 2, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 26, 2015, and November 2, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 26th day of August, 2015.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge